

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 96.19, Closed Area No. 1001, Maine Coast, promulgated on June 12, 1996, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 96.19, Closed Area No. 1001, Maine Coast

1. Effective immediately, because of contamination (by a marine biotoxin, tetramine), it shall be unlawful to harvest or possess any species of whelk (Muricidae and Buccinidae), commonly called Conchs or Conchles, from Maine flats and territorial waters located between the New Hampshire boundary and the Canadian boundary out to the jurisdiction of the United States.
 - a. **Exception:** The common Northern Whelk (also known as the **waved whelk**) *Buccinum undatum* can be harvested in all of the above described waters.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. 6204).

EFFECTIVE DATE: July 25, 1996

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BANGOR DAILY NEWS
PORTLAND PRESS HERALD
July 31, 1996

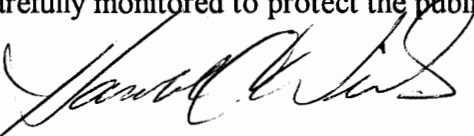
STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals Closed area number 1001, Maine Coast, promulgated on June 12, 1996, and replaces it with a new rule with the same name and number. This new rule does not change the previous rule, but is intended to clarify an administrative error. All previous rules under DMR Regulation 96.19 for Closed Area No. 1001 are repealed. This rule allows the harvest of a single species of whelk, the waved whelk, *Buccinum undatum*, in all Maine waters. The whelk fishery will be closed when red tide is detected in the approved fishing area.

Anyone wanting to fish for the waved whelk must hold a permit issued by DMR.

Department personnel have determined that other carnivorous whelks in both the in-shore and off-shore waters contain dangerous levels of this marine biotoxin (tetramethyl ammonium) and may also contain PSP toxin. Consequently, whelk harvest must be prohibited or carefully monitored to protect the public health.

Periwinkles are not included in this closure.


HAROLD C. WINTERS, ADMINISTRATIVE OFFICER
FOR ROBIN ALDEN, COMMISSIONER
AS AUTHORIZED BY 12 MRSA SECTION 6023